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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **NOBIVS**

Application No.: **10/133,883**

Art Unit: **2817**

Filed: **12/15/2003**

Examiner: **GLENN**

Title: **POWER COMBINED**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ **750.-** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of **AN AMENDMENT** (identify type of reply):

☐ has been filed previously on _____
☒ is enclosed herewith.

01/10/2006 HGUENA1 00000021 10733883

B. The issue fee and publication fee (if applicable) of \$ **01 FC:2453**

750.00 OP

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Refund Ref:
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Jay Chesavage
3833 Middlefield Rd.
Palo Alto CA 94303

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MAR 17 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of
Arnold et al.
Application No. 10/733,883
Filed: December 15, 2003
Title: Power Combiner

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed August 26, 2005. In the alternative, petitioner on January 9, 2006 filed a petition to revive under 37 CFR 1.137(b).

The petition to withdraw the holding of abandonment is **GRANTED**.

The petition to revive under 37 CFR 1.137(b) is **Dismissed as Moot**.

This above-identified application became abandoned for failure to timely file a response to the non-final Office Action which was mailed on January 27, 2005. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application was held abandoned on April 28, 2005. A Notice of Abandonment was mailed on August 15, 2005.

In the present petition, petitioner contends a reply pursuant to 37 CFR 1.111 to the non-final Office Action was submitted on April 26, 2005. The amendment included a certificate of mailing statement pursuant to 37 CFR 1.8. To support petitioner's contention, petitioner has provided a copy of the reply which contains a certificate of mailing date of April 26, 2005.

The response submitted April 26, 2005 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely.

The Notice of Abandonment is hereby **vacated** and the holding of abandonment is **withdrawn**.

Petitioner is entitled to a refund of the previously submitted petition fee of \$750.00. Petitioner may request a refund by writing to the Finance Office, Refund Section. A

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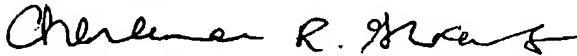
Application No. 10/733,883

Page 2

copy of this decision to should accompany any request for refund.

The application is being forwarded to the Technology Center 2800 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions

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DIVISION

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US PATENT & TRADEMARK
OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Commissioner of Patents and Trademarks

Finance Office

Washington D.C. 20231

10

Applicant: Mobius

Title: Power Combiner

S/N: 10/733,883

Filing date: Dec 15, 2003

15 Examiner: Glenn

GAU: 2817

Ref: Office of Petitions letter of Mar 17, 2006

Request for Refund of Petition Fee

20

Request for Refund to Finance Office

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Remarks:

In the above case, applicant filed a petition to withdraw holding of abandonment, and later filed a petition to revive under 37 CFR 1.37(b). The petition to withdraw holding of abandonment was granted, and the petition to revive was dismissed as moot.

Applicant requests a refund of the \$750 filing fee for the petition to revive found moot, and includes a copy of the action on petition mailed Mar 17, 2005.

Refund may be mailed to agent of record:

Jay Chesavage

3833 Middlefield Rd

Palo Alto, Ca. 94303

Respectfully Submitted,

Jay Chesavage Reg. No. 39,137

Request for Refund to Finance Office

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